

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

RICKEY C. LAYNE,

Plaintiff,

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Case No. 3:20-cv-307

KHADAR A. ALI, an individual and
AIN EXPRESS, L.L.C., a Texas
Corporation,

Defendants.

TRIAL BY JURY DEMANDED

COMPLAINT

COMES NOW Plaintiff, Rickey C. Layne, by and through his undersigned counsel,
Hassakis & Hassakis, P.C., and for his Complaint at Law, states as follows:

PARTIES

1. That at all times relevant hereto, Plaintiff, Rickey C. Layne, was a resident of the City of Calhoun, Gordon County, Georgia.
2. That at all times relevant hereto, Defendant, Khadar A. Ali, was a resident of the State of Ohio.
3. That at all times relevant hereto, Defendant, AIN Express, L.L.C., was and continues to be incorporated in the State of Texas with a principal place of business located at 9011 Creeks Gate Court, Richmond, Texas 77407.

VENUE AND JURISDICTION

4. That the motor vehicle crash which underlies this cause of action occurred in Johnson County, Illinois near Goreville, Illinois 62939 on Interstate-24 at or near mile-post 11.
5. Plaintiff brings his complaint under Federal Diversity Jurisdiction pursuant to 28. U.S.C. 1332, as the parties to this case are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00.

FACTS COMMON TO ALL COUNTS

6. On July 17, 2018, Interstate-24, at or near mile-post 11, was a four-lane roadway with two lanes designated for easterly travel and two lanes designated for westerly travel.

7. On July 14, 2018 Plaintiff was a passenger of a 2016 Volvo semi-truck (VIN# 4V4NC9EH6GN943379) driven by Sharon G. Layne that was traveling westbound on Interstate-24.

8. On July 14, 2018 Defendant, Ali Khadar, was operating a 2007 Freightliner semi-truck (VIN# 1FUJBBCK17PV00329) and was traveling westbound in Interstate-24.

9. On said date and near said mile-post, Defendant was traveling in the right-westbound lane on Interstate-24

10. On said date and at said location, Defendant was traveling at an extremely slow rate of speed and well below the minimum posted speeds on Interstate-24.

11. On said date and at said location, Defendant did not activate his vehicle's safety/hazard lights or act in any other way to notify others of his vehicle's slow speed.

12. On said date and at said location, Sharon Layne approached Defendant's vehicle from the rear and attempted to avoid Defendant's semi-truck upon noticing its slow rate of speed and, in so attempting, struck the rear left portion of Defendant's semi-truck.

13. As a result of the aforesaid impact, Plaintiff suffered injuries to his person.

COUNT I
(Negligence – Rickey C. Layne v. Khadar Ali)

14. Plaintiff incorporates and realleges herein, paragraphs 1 through and including 13.

15. That at said date and location, Defendant, Khadar Ali, operated his vehicle in such a manner that Sharon Layne's 2016 Volvo semi-truck collided with Defendant's 2007 Freightliner semi-truck.

16. That at said date and location, Defendant, Khadar Ali, violated his duty to Plaintiff, Rickey C. Layne, and was guilty of one, more than one or all of the following negligent acts and/or omissions:

- a. Operated his vehicle at a rate of speed that was below the minimum speed limit;

- b. Operated his vehicle at an excessively slow rate of speed without activating his vehicle's safety/hazard lights;
- c. Failed to keep his vehicle under proper control;
- d. Operated his vehicle at such a slow speed as to block the normal and reasonable movement of traffic in direct violation of 625 ILCS 5/11-606;
- e. Operated his vehicle at a speed which was less than reasonable and proper with regard to traffic and weather conditions and the use of the roadway and/or endangered the safety of Plaintiff in violation of 625 ILCS 5/11-601(a);
- f. Knowingly operated a vehicle which was damaged in such a manner that said vehicle was in need of repair and could not maintain minimum interstate speeds;
- g. Operated his vehicle without possessing the knowledge and skill required to do so in violation of 49 C.F.R § 383.111; and
- h. Failed to move his vehicle onto the interstate's shoulder.

17. That as a direct and proximate result of said collision, Plaintiff, Rickey C. Layne, sustained numerous, severe, disabling and disfiguring injuries to his body and has suffered and will continue to suffer in the future physical and mental anguish; that Plaintiff has incurred and become liable for medical attention, care, treatment and services in an effort to be cured of said injuries, and is reasonably certain to incur bills for medical attention, care, treatment and services for his injuries in the future; Plaintiff has been unable to perform his activities as he has in the past, and is reasonably certain to suffer from impairment in his activities in the future, all of the foregoing damages being to the harm and injury of Plaintiff in a substantial sum of money.

WHEREFORE, Plaintiff, Rickey C. Layne, prays for Judgment against Defendant, Khadar A. Ali, in an amount in excess of Seventy-Five Thousand and no/100ths Dollars (\$75,000.00), plus his costs of suit.

COUNT II
(Negligence – Rickey C. Layne v. AIN Express, LLC)

18. Plaintiff incorporates and realleges herein, paragraphs 1 through and including 17.

19. That at said date and location, Defendant, Khadar A. Ali was operating his vehicle in the course and scope of his employment and/or agency relationship with Defendant, AIN Express, LLC.

20. That at said date and location, Defendant, Khadar A. Ali, was an agent and/or employee of Defendant, AIN Express, LLC.

21. That at said date and location, Defendant, AIN Express, LLC, individually and/or by and through its employee and/or agent, violated its duty to Plaintiff, Rickey C. Layne, and was guilty of one, more than one or all of the following negligent acts and/or omissions:

- a. Operated its vehicle at a rate of speed that was below the minimum speed limit;
- b. Operated its vehicle at an excessively slow rate of speed without activating its vehicle's safety/hazard lights;
- c. Failed to keep its vehicle under proper control;
- d. Operated its vehicle at such a slow speed as to block the normal and reasonable movement of traffic in direct violation of 625 ILCS 5/11-606;
- e. Operated its vehicle at a speed which was less than reasonable and proper with regard to traffic and weather conditions and the use of the roadway and/or endangered the safety of Plaintiff in violation of 625 ILCS 5/11-601(a);
- f. Knowingly operated a vehicle which was damaged in such a manner that said vehicle was in need of repair and could not maintain minimum interstate speeds;
- g. Failed to perform proper maintenance and inspection of the vehicle driven by Defendant, Khadar A. Ali, at the aforementioned date and location;
- h. Failed to move its vehicle onto the interstate's shoulder.
- i. Failed to ensure that Defendant, Khadar A. Ali, possessed the required knowledge to operate his vehicle in violation of 49 C.F.R §383.111.

22. That as a direct and proximate result of said collision, Plaintiff, Rickey C. Layne, sustained numerous, severe, disabling and disfiguring injuries to his body and has suffered and will continue to suffer in the future physical and mental anguish; that Plaintiff has incurred and become liable for medical attention, care, treatment and services in an effort to be cured of said injuries, and is reasonably certain to incur bills for medical attention, care, treatment and services for his injuries in the future; Plaintiff has been unable to perform his activities as he has in the past, and is reasonably certain to suffer from impairment in his activities in the future, all of the foregoing damages being to the harm and injury of Plaintiff in a substantial sum of money.

WHEREFORE, Plaintiff, Rickey C. Layne, prays for Judgment against Defendant, AIN Express, LLC, in an amount in excess of Seventy-Five Thousand and no/100ths Dollars (\$75,000.00), plus his costs of suit.

HASSAKIS & HASSAKIS, P.C.,
Attorneys for Plaintiff,
RICKEY C. LAYNE

By: _____


James M. Ruppert

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